

AMENDED IN ASSEMBLY JUNE 17, 2003

AMENDED IN SENATE MAY 20, 2003

AMENDED IN SENATE MAY 7, 2003

AMENDED IN SENATE APRIL 24, 2003

**SENATE BILL**

**No. 193**

**Introduced by Senators Murray and Burton**

February 12, 2003

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An act to add Chapter 15.3 (commencing with Section 67370) to Part 40 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 193, as amended, Murray. Postsecondary education: Student Athletes' Bill of Rights.

Existing law, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by resolution, act to make them applicable. Existing provisions of the act prohibit a person from offering, promising, or attempting to give any money or other thing of value to a student athlete to induce, encourage, or reward the student athlete's application, enrollment, or attendance, at a public or private institution of higher education.

This bill would enact the Student Athletes' Bill of Rights, which would, among other things, prohibit ~~a~~*an* institution of higher education from agreeing to, or being subject to, the rules or policies of any organization, *association, or any other type of entity*, or making a

contract with any party, that dictates the terms, *duration*, value, and conditions of student athlete scholarships. The bill would prohibit an institution of higher education that maintains an intercollegiate athletics program from imposing, or submitting to the imposition of, a penalty or other sanction, as defined, on a student athlete for a violation of a rule or code of conduct of an intercollegiate athletics association that was not committed by that student athlete.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 15.3 (commencing with Section 67370) is added to Part 40 of the Education Code, to read:

CHAPTER 15.3. STUDENT ATHLETES' BILL OF RIGHTS

67370. This chapter shall be known and cited as the "Student Athletes' Bill of Rights."

~~67370.5.—The Legislature finds and declares that every student attending an institution of higher education in this state shall have the same rights and benefits, and shall not be differentiated from other students by the amount of a scholarship or by terms dictated by an outside entity.~~

67371. An institution of higher education may not agree to, or be subject to, the rules or policies of any organization, *association, or any other type of entity*, nor make a contract with any party, that dictates the terms, value, and conditions of student athlete scholarships relating to any of the following:

(a) ~~The terms of a scholarship or stipend~~ *or duration of a scholarship or stipend the value of which is below the actual cost of attendance at that institution.*

(b) The amount earned from bona fide employment not associated with their sport.

(c) Health insurance.

(d) The ability to obtain *licensed* representation in making career choices.

(e) The ability to transfer to another institution of higher education if a head coach leaves the school of attendance or anticipated attendance.

1     67372. No institution of higher education that maintains an  
2 intercollegiate athletics program shall impose, or submit to the  
3 imposition of, a penalty or other sanction on a student athlete for  
4 a violation of a rule or code of conduct of an intercollegiate  
5 athletics association that was not committed by that student  
6 athlete. As used in this section, “penalty or other sanction”  
7 includes, but is not necessarily limited to, the cancellation or  
8 forfeiting of an athletic event.

9     SEC. 2. If any section, subdivision, sentence, clause, phrase,  
10 or portion of this act is, for any reason, held invalid or  
11 unconstitutional by any court of competent jurisdiction, that  
12 portion shall be deemed a separate, distinct, and independent  
13 provision, and that holding shall not affect the validity of the  
14 remaining portion of this act.

